

- (c) The two (2) arbitrators shall within ten (10) days request a panel of seven (7) to be designated by the American Arbitration Association, one of whom shall be selected as the third arbitrator. The party requesting arbitrations shall make the first challenge/strike from the panel of seven. The third arbitrator shall serve as chair of the proceedings.
- (d) All arbitrators shall be persons having knowledge of and experience in the broiler production industry.
- (e) Each party shall bear his own arbitration costs and expenses, and the costs and expenses of the third arbitrator shall be shared jointly and equally between the parties. However, it is expressly provided that, in order to encourage arbitration as a method of claims resolution, ConAgra does hereby agree to pay all costs and expenses of the said third arbitrator in excess of \$1,000. The cost of the third arbitrator to Grower will not exceed \$500.
- (f) The arbitration hearing shall be held at the venue provided herein and at least twenty (20) days notice of the hearing date, time and location shall be provided to the parties.
- (g) The arbitrators selected shall hear the evidence and testimony offered by both parties, and the arbitration hearing shall be concluded within ten (10) days unless otherwise ordered by the arbitrators and the arbitrators will make a majority decision within a reasonable period of time. Both parties shall be allowed a period of time to submit post-hearing briefs within a period of time designated by the arbitrator acting as chairperson. An award rendered by a majority of the arbitrators appointed pursuant to this Agreement shall be final and binding on all parties unless the finding is arbitrary or capricious. Such judgement or award rendered by a majority of the arbitrators may be entered by either party in any court as herein provided having jurisdiction.
- (h) The parties stipulate that the provisions hereof shall be a complete defense to any suit, action, or proceeding instituted in any Federal, State or local court or before any administrative tribunal with

Grower's Initials _____